

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 3637 OF 2022

Ajay @ Golden Ramdas Gaikwad

...Applicant

Vs.

The State of Maharashtra

...Respondent

Mr. Satyam Harshad Nimbalkar i/b Hrishikesh Dinkar Kamble with
Mr. Abhishek Ulhas Arote, Advocate for Applicant.

Mr. P. P. Deokar, APP for State-Respondent.

CORAM:- ANIL S. KILOR, J.

DATED:- 14th OCTOBER, 2024

PC:-

- 1) Heard.
- 2) By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No. 4 of 2021 registered with Bhuijn Police Station, Satara, for the offences punishable under Sections 302, 307, 396, 201 and 120-B read with Section 34 of the Indian Penal Code, 1860 and Section 3(1)(i)(ii), 3(2) and 3(4) of Maharashtra Control of Organized Crime Act, 1999 (for short 'MCOCA Act').
- 3) Having gone through the charge-sheet and relevant material collected by the Investigating Officer during the investigation, it is evident that the applicant was not named in the FIR. The witness namely Sessil Sunil Keshave first time named the applicant in his

statement dated 25th February, 2021. However, he has stated that he got the knowledge about the involvement of the applicant in the alleged offence. The said witness, however, in a supplementary statement given after 20 days of the first statement changed his version and stated that he himself saw the applicant committing the alleged offence.

4) Thus, there is a major contradiction in both statement. Furthermore, the application is not identified by any of the witnesses.

5) The learned APP, on the other hand, while opposing the application, states that in a video clip, the applicant was seen by some of the witnesses. However, no such transcription of the video is brought on record and pointed out by the learned APP.

6) In a similar backdrop, this Court granted bail to co-accused Shubham @ Chingya Ravindra Jadhav on 23rd December, 2024 in Bail Application No. 3341 of 2023.

7) In the circumstances, considering the period of incarceration of the applicant, i.e. more than three and half years and as parity would apply, the application is allowed. Accordingly, I pass the following order.

ORDER

(i) Bail Application is allowed and disposed off;

(ii) It is directed that the applicant shall be released on bail in Crime No. 4 of 2021 registered with Bhuinj Police Station, Satara, for the offences punishable under Sections 302, 307, 396, 201 and 120-B read with Section 34 of the Indian Penal Code, 1860 and Section 3(1)(i)(ii), 3(2) and 3(4) of Maharashtra Control of Organized Crime Act, 1999 (for short 'MCOC Act'), on furnishing P.R. Bond of Rupees Twenty Five Thousand with one solvent surety in the like amount;

- (iii) The Applicant shall not enter into territorial jurisdiction of Bhuinj Police Station, Satara, till conclusion of trial, except on the date of trial;
- (iv) The Applicant shall provide his address and name of nearby Police Station to the Investigating Officer and attend said Police Station on 1st and 16th day of every month between 12.00 noon and 2.00 pm till conclusion of trial, except on the date of trial;
- (v) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence;
- (vi) Liberty is granted to the State for cancellation of bail in case Applicant breaches any of the conditions and/or if the applicant commits similar offence;
- (vii) The applicant shall attend the trial before the Trial Court regularly on every date unless exempted by the trial Court for any reason.

[ANIL S. KILOR, J.]